

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 NORTHWEST ROOFERS AND
11 EMPLOYERS HEALTH & SECURITY
12 TRUST *et al.*,

CASE NO. C19-2062-JCC

ORDER

Plaintiffs,

v.

BOSNICK ROOFING, INC. *et al.*,

Defendants.

This matter comes before the Court on Plaintiffs' motion for an order of default judgment (Dkt. No. 18). Having considered the motion and the relevant record, the Court FINDS as follows:

1. Plaintiffs properly served Defendants on October 30, 2019, (*see* Dkt. No. 9 at 1);
2. The Clerk entered an order of default against Defendants on December 18, 2019, (Dkt. No. 13);
3. Defendants have failed to appear or otherwise defend in this action;
4. This action is properly within the jurisdiction of the Court and venue is proper; and
5. The factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986), support granting default judgment in Plaintiffs' favor.

Accordingly, the Court GRANTS Plaintiffs' motion for an order of default judgment

1 (Dkt. No. 18). The Court further FINDS and ORDERS as follows:

- 2 1. Defendant Bosnick Roofing, Inc. is a roofing company. (Dkt. No. 1 at 2–3.) The
3 company’s principal officers are Defendants Donald Bosnick and Jane Doe Bosnick, who
4 are personally liable for the company’s obligations. (*Id.*)
- 5 2. Bosnick Roofing, Inc. was a party to a collective bargaining agreement and trust
6 agreements. (*Id.*) Under the terms of the collective bargaining agreement, Bosnick
7 Roofing, Inc. agreed to make monthly fringe benefit contributions to Plaintiffs. (*Id.*)
8 Bosnick Roofing, Inc. also agreed that if it failed to make those contributions, it would
9 pay liquidated damages in the amount of 10% of the delinquent contributions owing,
10 interest computed at the rate of 12% per annum, and costs and expenses incurred,
11 including reasonable attorney fees. (*Id.* at 3.)
- 12 3. Defendants have failed to make their required contribution payments since March 2019.
13 (*Id.*)
- 14 4. Plaintiffs are entitled to an award of attorney fees and costs, and Plaintiffs’ request for
15 \$7,155 in attorney fees is reasonable; and
- 16 5. Plaintiffs are AWARDED judgment against Defendants in the amount of \$278,588.01,
17 consisting of:
 - 18 a. The principal judgment amount of \$214,865.12;
 - 19 b. Interest in the amount of \$21,288.13;
 - 20 c. Liquidated damages of \$21,486.51;
 - 21 d. Testing fees of \$13,040.00;
 - 22 e. Attorney fees in the amount of \$7,155; and
 - 23 f. Costs in the amount of \$753.25.
- 24 6. The Clerk is DIRECTED to close this case.

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1 DATED this 6th day of May 2020.
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John C. Coughenour

5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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